1395 01 1 01C Contract No. KR97 2090TRN

AG Contract No. KR97 2090TRN ADOT ECS File No. JPA 97-155

Project: Need TRACS No.

Section: Hoover Dam Colorado River Bridge and Approaches - US 93

INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION CENTRAL FEDERAL LANDS HIGHWAY DIVISION

THIS AGREEMENT is entered into December 1997 pursuant to Arizona Revised Statutes; Sections 11-951 through 11-954, as amended between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the State) and the UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, acting by and through its CENTRAL FEDERAL LANDS HIGHWAY DIVISION (FHWA).

I. RECITALS

- 1. The State is empowered by Arizona Revised Statures Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to executed this agreement on behalf of the state.
- 2. The FHWA administers the Federal Lands Highway Program under 23 U.S.C., Sections 201-204, and is empowered to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the FHWA.
- 3 The FHWA has been designed as the lead agency to develop the Environmental Impact Statement(EIS) on the Hoover Dam Bypass project (the "Project").
- 4. The State, FHWA, the Nevada Department of Transportation, the Bureau of Reclamation, and the National Park Service have executed an agreement on July 31, 1997, (Memorandum of Understanding(MOU), a copy of which is attached hereto as Exhibit A and made a part hereof), which describes the need for the Project and defines the roles and responsibilities of the agencies. The MOU also identifies the initial funding source for this project, which is a \$400,000 appropriation in the 1997 Department of Transportation Appropriations Bill.
- 5. The purpose of this agreement is to transfer funds from the State to FHWA to supplement the initial appropriation for the completion of the EIS. A separate agreement for the same funding amount is being executed with the Nevada Department of Transportation.

Filed with the Secretary of State
Date Filed: 12/08/97

Secretary of State

By: Vicky Graenewold

JPA 97-155

II. SCOPE

1. The FHWA will:

- a. Be the lead agency for completion of the EIS and Record of Decision on the project, as described in the MOU executed July 31, 1997.
- b. Perform the necessary public involvement, studies, and development of the EIS according to the Action Plan presented to the Project Management Team (PMT) on July 24, 1997, a copy of which is attached hereto as Exhibit B, and made a part hereof, and according to comments received prior to August 12, 1997, and agreed to by the PMT. Accomplish this work under the general direction of the Project Management Team.
- c. By task order to an existing consultant contract, obtain A/E consultant services from CH2M Hill to assist with the development of the project.
- d. Provide monthly progress reports, including a list of expenditures for the month, to the State's designated PMT members.
- e. Return unused state funds to the State and to the Nevada Department of Transportation in equal amounts.

2. The State will:

- a. Provide \$300,000 to FHWA within 60 days of execution of this agreement, which is fifty percent (50%) of the additional funds required to complete the EIS. The State of Nevada is providing the remaining fifty percent (50%) in a similar agreement with the FHWA.
- b. Be responsible to provide FHWA with fifty percent (50%) of supplemental funding if needed for the completion of the EIS, in an aggregate total amount not to exceed \$600,000.00.

III. MISCELLANEOUS PROVISIONS

- 1. This agreement shall become effective upon filing with Arizona Secretary of State.
- 2. This agreement shall remain in force and effect until June 30, 1999, unless amended for extension by the parties hereto, prior to the date specified; provided, however, that this agreement may be canceled at any time by any of the parties hereto, upon thirty (30) days written notice to the other parties hereto.
- 3. This agreement may be canceled in accordance with Arizona Revised Statures Section 38-511 pertaining to conflicts of interest on behalf of State employees.
- 4. The provisions of Arizona Revised Statutes Section 350214 pertaining to audit are applicable to this contract
- 5. Applicable laws of the State and Federal government shall govern the rights of the parties with respect to the performance of this agreement. The parties hereto shall select a process for the resolution of claims or disputes relating to this agreement, compliant with applicable laws and regulations of the State and Federal Government, and acceptable to the State and Federal government. Such process shall include a provision for arbitration.

- 6. No member of, or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
- 7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation Joint Project Administration 205 South 17th Avenue, Mail Drop 616E Phoenix AZ 85007

Federal Highway Administration Central Federal Lands Highway Division Engineer 555 Zang Street Lakewood CO 850228

8. Attached hereto and incorporated herein is the written determination of legal counsel that the State is authorized under the laws of this state to enter into this agreement and that the agreement is inn proper form.

IN WITNESS WHEREOF: the parties have executed this agreement the day and year first above written.

US DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Central Federal Lands Highway Division

STATE OF ARIZONA Department of Transportation

PETER L ENO

Contract Administrator

RESOLUTION

BE IT RESOLVED on this 9th day of September 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the US FHWA, Central Federal Lands Highway Division for the purpose of defining responsibilities for the transfer of funds to the FHWA CFLD to conduct an EIS for the US-93 Hoover Dam Bridge and approaches.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Contract Administrator for approval and execution.

for LARRY S. BONINE

Director

Memorandum of Understanding

between

State of Arizona
Department of Transportation

and

State of Nevada Department of Transportation

and

United States Department of Transportation Federal Highway Administration

and

United States Department of Interior
Bureau of Reclamation

and

United States Department of Interior National Park Service

for

ENVIRONMENTAL STUDIES

for

Hoover Dam Bypass U.S. Route 93 over the Colorado River

This memorandum of understanding as set forth below between the State of Arizona, the State of Nevada, the United States Department of Transportation, and the United States Department of Interior, is established as a matter of public record and shall be effective on the last date of the approving signatures.

- Whereas, U.S. Route 93 between Kingman, Arizona and Las Vegas, Nevada is the missing link in the Interstate Highway System in the western United States and is a major freight corridor between central Mexico and Arizona and Nevada, the Intermountain West, and the Province of Alberta in Canada; and
- Whereas, U.S. Route 93 has been designated a North American Free Trade Agreement (NAFTA) corridor, has been identified as a "high priority corridor", known as the CANAMEX corridor, in the National Highway System Designation Act of 1995, and is a route of national strategic importance; and
- Whereas, U.S. Route 93 crossing over Hoover Dam is a two-lane facility that is narrow, winding, and steep, is inadequate for today's traffic, and is a serious limitation on the Intermountain West's economy; and
- Whereas, over 14,000 vehicles a day, including over 1500 trucks and buses, must negotiate the steep grades and twisting alignment, with traffic often coming to a complete stop, and having routine delays of several hours or more; and
- Whereas, traffic volume has doubled in the last 15 years and will continue to increase as the population of the Southwestern United States continues to grow; and
- Whereas, because of the barriers formed by the canyons of the Colorado River, the Rocky Mountains, and the National Parks, National Monuments, and National Recreation Areas of Arizona, Nevada, and Utah, no reasonable alternative route is possible; and
- whereas, numerous studies, including a Draft Environmental Impact Statement (never circulated), have been done between 1989 and 1993, which address the feasibility of alternative bridge crossings of the Colorado River; and
- Whereas, the proposed crossing alternatives are located within the boundaries of the Lake Mead National Recreation Area and the Hoover Dam Reservation; and
- Whereas, the FHWA administers the Federal Lands Highway Program under 23 U.S.C., Sections 201-204, including highways within, adjacent to, or providing access to public lands,

- Therefore, be resolved that the State of Arizona, the State of Nevada, the United States Department of Transportation, and the United States Department of Interior do hereby mutually agree to work in partnership to advance these environmental studies as follows:
- The Federal Highway Administration, Central Federal Lands Highway Division (CFLHD) will accept the lead role in the development of the Environmental Impact Statement (EIS) for the project, will actively involve all other agencies through the Hoover Dam Bypass Project Management Team, and will strive to advance the project in a timely, cost efficient, and professional manner.
- 2. CFLHD will perform environmental and engineering studies, coordinate public involvement, and manage the overall project through the use of agency resources, or through the use of Architect/Engineer consultant services, as required.
- 3. CFLHD will utilize previous studies and corridor analyses, to the extent possible, to minimize cost and to expedite the completion of the EIS.
- 4. CFLHD will provide the Project Management Team with project work plans, schedules, and budget estimates at the beginning of the work, and with monthly progress reports throughout the duration of the project.
- 5. The agencies will provide representatives to the Hoover Dam Bypass Project Management Team, who will be actively involved in consensus decision making and will support group decisions in a spirit of partnership.
- 6. The agencies and their respective staffs will share all information available to advance this work, and proactively seek cost effective, innovative, and practical solutions.
- 7. The agencies and their staffs will participate in public meetings as part of the environmental process, and will refer public concerns to the responsible agency for prompt, courteous responses.
- 8. The agencies and their staffs will provide information as requested to the Congress of the United States, the State Legislature of Arizona, and the State Legislature of Nevada as appropriate.
- 9. Initial project funding will be obtained from the \$400,000 appropriated in the 1997 Department of Transportation Appropriations Bill. If needed, additional sources of funding for these studies will be addressed by the Project Management Team.

In summary, to accomplish the intent of this agreement, the undersigned commit their respective staffs to work together, in a spirit of cooperation and teamwork, to complete the environmental studies that provides alternatives that meet the economic needs of the Intermountain West, while enhancing the environment through which it passes.

In witness whereof, the State of Arizona, the State of Nevada, the United States Department of Transportation, and the United States Department of the Interior hereto execute this agreement.

State of Arizona Department of Transportation	
by J-F J	date 7/24/97
State of Nevada Department of Transportation	
by Manus Alph	date <u>7/3//9</u> 7
United States Department of Transportation Federal Highway Administration Central Federal Lands Highway Division by Auy Author	date
United States Department of Interior Bureau of Reclamation	
by Laure Hardranan	date 7-2-9)
United States Department of Interior National Park Service by	
by Clan O'N call	date 7/3/9)

	Description of Task	Notes
1. No	otice of Intent and Scoping	
1	Prepare Master Mailing List Contact USBR for previous NOI list	List included with PDEIS; confirm with Kris Mills
	Use PMT mailing list and identify other appropriate federal and state agencies	
	Identify affected local government agencies and tribes	Include Boulder City, Clark County, Mohave County and Kingman; check with ADOT to identify tribes
	Contact USBR and local governments to identify local civic and business associations	Include CAUTION and any homeowner associations particularly in Hemenway Hills area of Boulder City
	Include environmental and local interest groups	Check with Kris Mills and Jim Holland for these
	Input into database, coded for what to receive	PMT, coordination letters, public notice, EIS, etc.
	Print list for FHWA review	Send to Haussler for review
	Change if required, final approval	
2.	Prepare NOI and Other Public Notification	•
	Write notice for Federal Register publication	
	Write coordination letter to PMT and other key agencies	
	Write and edit notice for general mailing	
	Prepare graphics for notice and mailing	May want to do separate fact sheet
	Drafts to FHWA for review and approval Make changes as required	
	FHWA approval and official signature	

Exhibit B to JPA 97-155

	Description of Task	Notes
3.	Disseminate NOI	
	Publish in FR	The FR NOI begins the 30-day scoping comment period.
	Master mailing list	Should mail out 3 weeks before scoping meeting (15-day minimum with mail lag).
	Publish in Las Vegas, plus Boulder City and Kingman	A feature article is preferred by FHWA.
	Option: directly notify appropriate members of Congress	If FHWA wants; if not, via coordination or NOI.
4.	Scoping Meetings Coordinate Scoping Logistics	Two meetings are recommended; one for the general public and the other for cooperating agencies.
	Conduct Scoping Meetings	May want to have an independent moderator.
	Prepare Record of Scoping Meeting	
[[.]	Public Involvement Implementation	
1.	Conduct Community Assessment	Interview local government, agency, business and community representatives,
	Prepare memo assessing public involvement	Focus on building public information and support for the
2. ch	allenges and goals	project
	allenges and goals	
ch	allenges and goals Prepare newsletters	project Two newsletters are recommended; one to be distributed at beginning of project and the other at the time of distribution
ch	allenges and goals Prepare newsletters Prepare fact sheets	project Two newsletters are recommended; one to be distributed at beginning of project and the other at the time of distribution of the DEIS During the EIS process there may be a need for up to four fact sheets addressing issues or information of interest to the

	Description of Task	Notes
7.	Develop project logo	to be used as identifiable graphic for all communication pieces
8.	Develop WWW page	will use graphics developed for other project purposes; linked to other sites as appropriate
111.	DEIS Preparation	
1.	Site Field Tour	Discipline leaders take tour with FHWA leads and key PMT members
2.	Monthly Team Meetings	May want to have bi-monthly meetings with alternate monthly conference calls
3.	Engineering Review	
	Update Utilities	Review existing and proposed utility facilities including transmission lines and substations, visitor center improvements, sewage treatment ponds, stockpile locations, etc.
	Design Criteria Review	Review applicability of original design criteria and determine if any substantial change to project design is warranted
	Construction Cost Estimate Review	Update to 2002 dollars using PMT approved escalation factors in format similar to USBR's Phase B Report.
1.	Update Summary	
5.	Update Alternatives Section Update Build project descriptions	Identify and describe all project elements including details such as access roads, construction water and power requirements, staging areas, stockpile and spoils disposal sites
	Update No Build project description	
	Revise Alternatives Considered but Eliminated	Update to include status of Willow Beach and Boulder City Bypass

	Description of Task	Notes
5.	Update Purpose and Need	
	Update traffic studies	Include Origin and Destination Study, accidents, existing and future traffic forecasts, traffic operations
7	Prepare Affected Environment	
3.	Prepare Additional Studies and Summarize for DEIS	
	Visual Analysis	
	Document Existing Visual Resource	Coordinate with NPS to identify sensitive viewer groups and locations. Collect information to quantify sensitive viewer groups
	Prepare Key View Analysis	Provide photographic simulations for each alternative from each sensitive view location. Evaluate change in visual resources from each key view. Quantify number of viewers impacted by each alternative.
	Develop mitigation measures	Describe aesthetic and visual measures that could mitigat such as bridge design features, colors, etc.
	Noise Analysis Update ambient noise measurements	Update information on traffic related noise and increased usage of recreational areas. Identify new noise sensitive receptors such as Visitor Center.
	Amplify on mitigation measures	Make discussion more quantitative with information on height, length, estimated cost, and expected decibel reductions.
	Air Quality Analysis	
	Research Existing Conditions	Address relevant air quality standards, attainment status and nearby air quality receptors.
	Evaluate Operational impacts	provide rationale for conclusions in PDEIS; qualitatively address regional ozone impact levels.
	Evaluate Construction impacts	More specifically identify impacts and recommend mitigation.

Description of Task	Notes
Biological Studies Update biological resources sections of DEIS	Coordinate with NDOW and AGFD; review baseline conditions, impacts and mitigations. Develop tables for T&E species and mapping showing habitat types and locations. Additional studies for bat species may be required.
Section 7 Consultation	Prepare biological assessment and obtain Biological Opinion from USFWS
US Army Corps of Engineers 404 permit	Perform field work to establish jurisdictional waters; prepare wetlands delineation report; attend pre-discharge notification meeting with agencies
Identify Other Permit Requirements	Encroachment in waters of Lake Mead may involve US Coast Guard permit
Cultural Resources	
Confirm Area of Potential Effect	Confirm formal APE was used; if informal APE was used establish formal APE to conform to corridors already studied to the extent possible
TCP Consultation with Tribes	If TCPs are identified detailed research and field investigation may be necessary
Evaluate TCPs for NRHP eligibility	Formal evaluation requires consultation with SHPOs and tribes
Update, re-write DEIS sections	For DEIS, reflect Section 106 compliance through evaluation phase and identify additional steps to be taken prior to Record of Decision
9. Re-write, update other impact sections	
Land Use	
Social/Economic	
Bicycle/Pedestrian Considerations	
Hazardous Waste Sites	

Construction Impacts

Short-term/Long-term Productivity

Description of Task	Notes
Irreversible and Irretrievable Commitment of Resources	
Section 4(f) and 6(f)	Need to confirm whether Section $6(f)$ is applicable
Secondary and Cumulative impacts	
Environmental Justice	
10. Prepare Preliminary Draft EIS	
11. PDEIS to FHWA for review	
12. Consultant Revisions to PDEIS	
13. PMT and Resource Agency Review of PDEIS	
14. Final Consultant Revisions to PDEIS	
15. Print DEIS copies	
IV. DEIS Public Notice, Distribution Comment and Public Hearing	DEIS available 15 days before hearing; 45 days minimum comment period for DEIS; 90 days before decision on action.
1 Prepare Mailing List for NOA	
2. Prepare NOA of DEIS and Public Hearing	All versions include point of contact and address for comments, public hearing information, and repository library location and hours.
Prepare NOA for Federal Register	EPA's NOA is published in FR via filing of DEIS; see Distribution of DEIS.
Prepare public notice for mailing and newspapers	Newspaper notice may be shorter (if it references FR NOI). Notice should also be posted in post offices in Boulder City and Kingman
Accompanying graphics (action map, hearing site map) as desired	
Review, revision, approval	

Description of Task	Notes
Distribution of DEIS	
Prepare DEIS Distribution List	(This is done concurrently with NOA mailing list.)
Distribution list is a subset of master mailing list (key agencies, groups ad individuals, plus all who requested copies or commented in scoping)	Address changes from NOI mailings; add all scoping meeting attendees (non-commenting) as NOA recipients.
Contact key agencies for number of review copies they require	Incorporate this into database.
Make copies of DEIS	
Update database, print revised list	List of recipients goes in the DEIS, so do this before the DEIS is finalized.
Distribute DEIS	
Write EPA filing letter	Official signature required
Write transmittal letter or notice	Official signature required.
Package and mail or ship DEIS copies to distribution list	At least 15 days before public hearing.
File copies to EPA with filing letter and NOA for FR publication	Must publish at least 15 days before hearing. To EPA by COB Friday for FR publication next Friday; NOT before general distribution.
FR NOA starts 45-day comment period and 90-day waiting period before decision on the action.	
Deliver public review copies to repository library	At least 15 days before hearing.
Provide additional copies to all who request it (responding to NOA) and add them to list.	

4. Comment Period

Description of Task	Notes
5. Public Hearing Coordinate Public Hearing Logistics	Need to decide on hearing format—Open house format vs. formal presentation
Prepare script and visuals	
Prepare agenda, any other handouts, and sign-in sheets or slips for hearing	Use sign-in sheets or slips later to compile attendance list and for NOA/FEIS distribution.
Coordinate Public Hearing	(This is done concurrently with NOA mailing list.)
Conduct hearing	Same procedure as for Scoping Meeting.
Attend hearing to answer technical questions	
Prepare Record of Public Hearing	
Compile attendance and speakers lists	Add speakers to Public Involvement section and attendees in appendix to FEIS; also add to mailing list.
Receive and consolidate mailed comments	Comments are sent to client point of contact
Make sure all commentors are on FEIS distribution subset of mailing list	
V. FEIS Public Notice, Distribution and ROD	Minimum 30 days before decision on action, may be concurrent with DEIS 90 days
Respond to comments on the DEIS	
Prepare Summary of Written Comments Received During the 45-day period, and Oral Comments from Public hearing Transcript.	To a second second
Respond to Comments, with Reference to Location in FEIS Where Change is Made (ore Requested Information is Already Found)	If information already available in DEIS is not reproduced in FEIS, reference the DEIS.
Include Copies of all Comment Letters and Public Hearing Transcript as Appendix to FEIS.	
2. FHWA Review of Responses	

	Notes
Description of Task	
PMT Review of Responses	
PMT Decision on Preferred Alternative	
Confirm SHPO Determinations of Eligibility	
 Prepare Section 106 Determination of Effects Package 	
Agency Coordination	
3. Complete FEIS	(30 days minimum waiting period from NOA to Record of
Public Notice of Availability (NOA)	(30 days minimum waiting period from Profit is the server of Decision [ROD]).
Jpdate Mailing List for NOA	
Prepare Public NOA of FEIS	All versions include point of contact and address for questions, and repository library location and hours.
Write NOA for FR (EPA's NOA in FR is official; client NOA in FR is optional)	EPA's NOA is published via filing of FEIS
Prepare public notice for mailing and newspapers	Newspaper version may be shorter.
Accompanying graphics or fact sheets as desired	
Review, revision, approval	
Disseminate Public Notice of Availability	
NOA mailing list	
Publish in major Las Vegas newspaper, plus Boulder City and Kingman papers if desired	Usually as feature article run in papers twice.
Option; news release on FR notice	If FHWA wants; if not, via FEIS distribution and NOA mailings
Update Distribution List	(This is done concurrently with NOA mailing subset.)

tion Plan		
Description of Task	Notes	
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Distribution of FEIS	and the continue required.	
Write EPA filing letter	Official signature required.	
Write transmittal letter or notice	Official signature required.	
Make copies of FEIS	At least 15 days before public hearing.	
Package and mail or ship FEIS copies to distribution list		
File copy to EPA with filing letter and NOA for FR publication (this starts the 30-day period before ROD can be published)	By COB Friday for FR publication next Friday; NOT before general distribution.	
Deliver public copies to repository library(s)	D. His Randing Rooms.	
Provide additional copies to all who request it (responding to NOA)	DOE: copies to Public Reading Rooms.	
11. Prepare Record of Decision documentation 12. Record of Decision	Minimum 90 days after DEIS or 30 days after FEIS is available, whichever is later	
Include Summary of Proposed Action, Alternatives, Decision, Impacts, Mitigation Commitments from EIS		
Publish in FR		



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8837 Fax: (602) 542-3646 MAIN PHONE: 542-5025

TELECOPIER: 542-4085

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR97-2090TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE November 26, 1997.

GRANT WOODS Attorney General

JAMES R. REDPATH

Assistant Attorney General

Transportation Section

JRR:et/9143

Enc.



Central Federal Lands Highway Division

555 Zang Street Lakewood, CO 80228 Phone: 303-716-2116 Fax: 303-969-5903

FAX TRANSMISSION COVER SHEET

Date: 1/11/99

TO: Vack Hammitt, ADOT

Fax: 602-255-7424

Re: Hoover Dam Bypass, US 93

Sender: Terry K. Haussler

YOU SHOULD RECEIVE Z PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT

RECEIVE ALL THE PAGES, PLEASE CALL 303-716-2116.

Here's the signed amond. # letter

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ARIZONA DEPARTMENT OF TRANSPORTATION

INTERMODAL TRANSPORTATION DIVISION
JOINT PROJECT ADMINISTRATION
205 South 17th Avenue - Room 293E, Mail Drop 616E
Phoenix, Arizona 85007



THOMAS G SCHMITT State Engineer

E JACK HAMMITT Joint Project Administrator

From: Jack Hammitt

TO: JERRY HANSSER

Subject: 18A 91-155

Telephone (602) 255-8369

FAX (602) 255-7424

email jhammitt@dot.state.az.us

969 - 5903

Terry please sin this and I I back TO Me. Thanks